

MINUTES

UTAH ATHLETIC TRAINER LICENSING BOARD MEETING

November 8, 2006

**Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building**

CONVENED: 2:00 P.M.

ADJOURNED: 2:45 P.M.

**Bureau Manager:
Board Secretary:**

Noel Taxin
Karen McCall

Board Members Present:

Bill G. Bean, Chairperson
Brad L. Nelson
Leesa Myers
Dale P. Mildenberger
Ronda Ingram
Amy P. Powell, MD, will be late arriving

Guests:

Craig Jackson, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Ronda Ingram as a Board Member

Ms. Taxin conducted the swearing in of Ms. Ingram.
Board members welcomed Ms. Ingram.

Read and approve the July 31, 2006 Minutes.

Mr. Mildenberger made a motion to approve the minutes as read. Ms. Myers seconded the motion.
The Board vote was unanimous.

APPOINTMENTS:

2:30 P.M.

Final Review of the Proposed Rules

Ms. Taxin verified that the Board talked about many different sections of the new Law in the last Board meeting and that her research and meetings with attorney's determined what should be in the Rules. Ms. Taxin stated that after she writes the proposed

Rules they are reviewed by several attorneys and after that review she re-writes the changes they recommend. She stated that there are a few problems with the Law and those problems cannot be fixed by writing a Rule.

Ms. Taxin explained that the Law does not require supervision by a Directing Physician and there cannot be a Rule that describes what that supervision entails. She stated that BOC requires a Directing Physician and Utah Law requires the applicant to be BOC certified to be licensed. She stated that someone could file a complaint with BOC regarding practice without a Directing Physician and the Athletic Trainer could lose their BOC certification or have to address the violation with the Board.

Ms. Myers asked if Ms. Taxin is instructing the Association to open the Law and include specific language.

Ms. Taxin responded that she cannot instruct them to open the Law but could make a suggestion. She stated that the Association would probably open the Law and make the change if there is an issue that comes up. Ms. Taxin explained that it involves educating licensees and if the Board members receive phone calls regarding the requirement of a Directing Physician they might want to respond that the BOC requires a Direction Physician but the Utah Law does not. She stated that the safe way to practice would be to have a Directing Physician as a resource.

Ms. Taxin stated that she had sent a rough draft of the Rules out a month ago for the Board to review but when the Board reviews the revised draft they will notice that it is shorter and several of the suggestions were removed because Ms. Taxin was given additional feedback from Lenore Epstein, AG.

Mr. Nelson stated that the Board discussed at the last meeting that the State Law over-rides the BOC requirement. He commented that all Athletic Trainers practice with Physicians and if there are concerns with a client, the client is referred to a Physician.

Ms. Taxin acknowledged that Mr. Nelson made that point at the last meeting. She stated that she is not sure there needs to be supervision but BOC does have the requirement of oversight from a Directing Physician.

Mr. Nelson asked who would challenge the Athletic Trainer who may not have a Directing Physician.

Ms. Taxin responded that an unethical or unlicensed Athletic Trainer may do harm to a patient and the patient could complain to the Division or BOC.

Ms. Taxin stated that Utah State Law could have a different standard but licensees would take the chance of being denied licensure in other States if we don't follow the BOC standards.

Mr. Mildenberger recommended we leave the Law alone at this time and see if we have any problems. If problems arise, we can recommend the Association make the change in the Law.

Ms. Taxin stated that she has already received calls asking if supervision by a Directing Physician is required in Utah. She stated that she responds that Utah Law does not require supervision by a Directing Physician but BOC does have the requirement.

Mr. Nelson stated that all Athletic Trainers have had the same education for licensing.

Ms. Taxin responded that all Athletic Trainers have not had the same education as we have seen many different programs on the transcripts that we have reviewed. Ms. Taxin stated that the Division would not be able to take action against a licensee if there was no supervising Directing Physician.

Mr. Nelson stated that action could be taken for unethical practice.

Mr. Bean stated that the Association will need to find a way to police the profession to be sure all those who should be licensed get licensed.

Mr. Bean asked Ms. Taxin when the licensee list will be posted on the DOPL website. He stated that he has located licensees by name but not by the list as is posted for all other professions.

Ms. Taxin responded that she will check with the website personnel.

Ms. Taxin read the revised proposed Rules. She asked the Board to notice the change in the Qualifications for Licensure section as it is different from the information sent out.

Ms. Taxin stated that it is not necessary to include in the renewal section current BOC registration as she will include a statement on the renewal form for current BOC registration to be a requirement for renewal.

Ms. Taxin stated that the Rules can be changed and updated as necessary at any time as long as they match up with the Law.

Ms. Myers asked where sections 2 and 3 under Qualifications for Licensure are located as she was unable to locate those sections.

Mr. Jackson stated that the revised Rules have left out sections 2 and 3 under Qualifications for Licensure as they are not needed.

Mr. Bean commented that retaining the BOC is not required in the Rules.

Ms. Taxin explained that under 302(3) it requires current BOC certification and she will require it for renewal.

Mr. Nelson asked when the license renews as his indicates May 31, 2007 which is not a 2 year period.

Ms. Taxin responded that all Athletic Trainer licenses will expire May 31, 2007 and then they will be in the 2 year renewal period.

Ms. Taxin stated that the Board would have to make a

motion to accept the proposed revised Rules and then she will send them in for a hearing to be scheduled. She stated that the Board is welcome to attend the hearing but attendance is not required and per diem is not paid for attending. Although, she believes if public comments are made that the Board addressing the concerns would be helpful to the Division and advantageous to the publics voiced concerns.

Ms. Taxin stated that if she gets negative feedback she may call the Board regarding the issues and schedule another Board meeting before refilling the Rules.

Mr. Nelson made a motion to accept the Rules as written.

Ms. Ingram seconded the motion.

The Board vote was unanimous.

Ms. Taxin stated that we can always add something into the Rules if we need to.

Ms. Myers asked about an equivalent examination.

Ms. Taxin stated that the attorneys responded that until there is an equivalent exam there should be no reference to one.

Dr. Powell arrived at the meeting.

Ms. Taxin explained the revised proposed Rules.

Dr. Powell stated that there would be very few Athletic Trainers in Utah that might not have a Directing Physician as most are working in a setting where there is one.

Ms. Taxin again stated that if a variety of complaints come in we will have to address suggesting the requirement be included in the Law.

Ms. Taxin again stated that she will contact the Board when the date and time for the Rules Hearing has been determined.

DISCUSSION ITEMS:

Tentative 2007 Board Meeting Schedule

The Board reviewed the tentative 2007 Board meeting schedule.

Mr. Mildenberger asked if the Board meetings could start after 9:00 am as he drives down from Logan area.

Ms. Taxin asked if 10:00 am would be convenient for all Board members for the meetings to start.

Board members responded that 10:00 am would be better for them.

Board members requested the June 27, 2007 meeting be changed to June 6, 2007 as they have a conference the week of June 27, 2007.

Ms. Taxin agreed to make the change.

The Board noted the following tentative dates for the 2007 schedule: March 7 and June 6, 2007, commencing at 10:00 am.

NEXT MEETING SCHEDULED FOR:

March 7, 2007

MEETING ADJOURNED AT:

2:45 P.M.

June 6, 2007
Date Approved

(ss) Bill G. Bean
Chairperson, Utah Athletic Trainer Licensing Board

November 20, 2006
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing